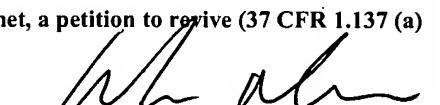


U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390 (REV. 10-2003)		ATTORNEY'S DOCKET NUMBER 21147 (C038435/0178882)
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5 Not yet assigned <b>10/505314</b>
INTERNATIONAL APPLICATION NO. PCT/EP03/01537	INTERNATIONAL FILING DATE 15 February 2003	PRIORITY DATE CLAIMED 22 February 2002
TITLE OF INVENTION <b>PROCESS FOR PRODUCING LEVODIONE</b>		
APPLICANT(S) FOR DO/EO/US Sakayu SHIMIZU and Masaru WADA		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Certificate of Express Mail (1 p); Statement Under 37 CFR §1.821; and Return Postcard.</p>		

U.S. APPLICATION NO. (if known) see 37 CFR 1.492(e) S. Not yet assigned		INTERNATIONAL APPLICATION NO. PCT/EP03/01537	ATTORNEY'S DOCKET NUMBER 21147 (C038435/0178882)																									
<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b></p> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... <b>\$1080.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$920.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$770.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$730.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b></p> <p style="text-align: center;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p>		CALCULATIONS PTO USE ONLY																										
		<b>\$ 920.00</b>																										
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		<b>\$</b>																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> <th>\$</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>20 - 20 =</td> <td>0</td> <td>x \$18.00</td> <td>\$ 0.00</td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td>0</td> <td>x \$86.00</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="2"><b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b></td> <td></td> <td>+ \$290.00</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td style="text-align: center;"><b>\$ 920.00</b></td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	20 - 20 =	0	x \$18.00	\$ 0.00	Independent claims	2 - 3 =	0	x \$86.00	\$ 0.00	<b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b>			+ \$290.00	\$ 0.00	<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 920.00</b>	<b>\$</b>	
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<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 920.00</b>																								
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		<b>\$</b>																										
		<b>SUBTOTAL =</b>	<b>\$ 920.00</b>																									
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		<b>\$</b>	<b>0.00</b>																									
		<b>TOTAL NATIONAL FEE =</b>	<b>\$ 920.00</b>																									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		<b>\$</b>	<b>0.00</b>																									
		<b>TOTAL FEES ENCLOSED =</b>	<b>\$ 920.00</b>																									
		<b>Amount to be refunded:</b>	<b>\$</b>																									
		<b>charged:</b>	<b>\$</b>																									
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>920.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-4467</u> in the amount of \$ <u>920.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4467</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p>																												
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Stephen M. Haracz, Esq. BRYAN CAVE LLP 1290 Avenue of the Americas New York, NY 10104-3300 Tel.: (212) 541-2000 Fax: (212) 541-4630</p> <p style="text-align: right;"></p> <p>SIGNATURE Gonzalo Merino, Ph.D., Esq.</p> <p>NAME 51,192</p> <p>REGISTRATION NUMBER</p>																												

10/505314

Docket No. 21147 (C038435/0178882)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE ACTING AS  
DESIGNATED/ELECTED OFFICE (DO/EO/US) UNDER THE PATENT  
COOPERATION TREATY CONCERNING A FILING UNDER 35 U.S.C. § 371

In re Application of: )  
Sakayu SHIMIZU and Masaru WADA based on ) Examiner: Not Yet Assigned  
International Application No.: PCT/EP03/01537 ) Art Unit: Not Yet Assigned  
International Application Filing Date: 15 February 2003 )  
For: **PROCESS FOR PRODUCING LEVODIONE** )

New York, NY  
August 20, 2004

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" Mailing Label No.: **ER 930264059 US**

Date of Deposit: August 20, 2004

I hereby certify that the following:

- Certificate of Express Mailing (1 pg);
- Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. § 371 (2 pp.) in duplicate;
- Preliminary Amendment (10 pp., including duplicate pg. 1);
- Statement Under 37 C.F.R. § 1.821 including computer diskette as Exhibit A (2 pp.);
- Information Disclosure Statement and PTO Form-1449 (10 pp. including duplicate pg. 3), and copies of references;
- Check in the amount of \$920.00 to cover filing fee; and
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the Date of Deposit indicated above in an envelope addressed to Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Marvin Chisholm  
Signature of Person Making Deposit

BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, New York 10104  
(212) 541-2000